REMARKS

Claims 1-21 were presented for examination and were pending in this application. In a Final Official Action dated June 17, 2005, claims 1-21 were rejected. Applicant herein amends claims 6, 7 and 9 to correct inconsistencies. This amendment of the claims is made so as to more clearly define the invention, and not to narrow their scope of protection with respect to the prior art, or with respect to potentially infringing devices/compositions/articles. Applicant has amended claims 1 and 11 to add limitations discussed by the Examiner. Applicant now requests reconsideration and allowance of claims 1-21.

Applicant thanks the Examiner for his indication that the prior rejections under § 112, second paragraph, and § 101 have been withdrawn and that the objection to the drawings have been withdrawn. Applicant thanks the Examiner for examination of the claims pending in this application and addresses the Examiner's comments below.

Response to Rejection Under 35 USC § 112, Paragraph 2

In paragraph 4 of the Final Office Action, the Examiner has rejected claim 6 as allegedly not specifically pointing out and distinctly claiming the subject matter that the Applicant regards as the invention. Claim 6 has been amended to clarify that a DTD is a Document Type Definition (see e.g., Fig. 9). As recited in the claim, a memory of the data processing system contains modules that define a process for each element, where the modules are valid with respect to the recited DTD (Document Type Definition), which is also stored in a memory of the data processing system. Thus, the clam is not directed to the specific process of the modules, but to their property that they are valid with respect to a concretely stated DTD. DTDs are well-known and understood. Thus, the claim as it stands is indefinite. The rejection should be reconsidered and withdrawn.

Response to Rejection Under 35 USC 102(e)

In 8th paragraph of the Final Office Action, the Examiner rejects claims 1-21 under 35 USC § 102(b) as allegedly being anticipated by U.S. Patent No. 6,173,316 ("DeBoor"). This rejection is now traversed.

The Examiner laid out his response to applicant's argument in paragraph 9 of the Office Action.. The Examiner states that the limitations relied on by applicant in their previous response were not clearly recited in the claims. Applicants have amended independent claim 1 to recite limitations discussed by the Examiner.

Applicants still maintain that the Examiner has not provided a prima facie case for the rejection of independent claims 11, 12, 13, 14, 15, 16, 17, 18, 19, and 21. The Examiner's contention that these claims are versions of various dependent claims of claim 1 does not clearly set out how DeBoor discloses the recited claim elements. Moreover, Applicant requests that the Examiner specify detail of his rejections.

For example the Examine states that claim 11 is an apparatus version of claim 7. After a careful review of claims 11 and 7, Applicant does not understand the Examiner's contention.

As another example, claim 12 recites:

providing an execution specification including

  a DTD;

  graphical flow charts; and

  transition rules;

providing an XML document instance including

  an XML document;

using the DTD to validate the XML document;

constructing an attributed structure tree;

decorating the attributed structure tree with the graphical flow charts to create a global flow chart; and

executing the global flow chart according to the transition rules to directly execute the XML document.

To reject claims 12, the Examiner points to his rejections of claims 3 and 5, which recite:

3. (Original) The method according to claim 1, further comprising:

defining a composition of the action for at least one XML-element definition or instance by graphical flow charts.

5. (Original) The method according to claim 1, further comprising:

representing system states in terms of n-dimensional data cubes;

providing an open interface by making the n-dimensional cubes readable and writeable for other programming and database systems; and

making data structures and functionalities of other programming and database systems accessible using executable instructions.

Applicants do not understand how reference to claims 3 and 5 explains the rejection of claim 12. Claim 12 clearly recites elements not in claims 3 or 5. More importantly, deBoor completely fails to disclose applicant's claimed invention. The portion of DeBoor cited by the Examiner as allegedly disclosing the claimed flowchart merely states that Figure 6 *is* as flowchart (see deBoor, col. 7, lines 36-38). That fact that the DeBoor patent contains a flowchart (as do many patents) is not sufficient to anticipate claim 3 nor the dependent claims that the Examiner says relate to claims 3 and 5 (claims 12, 13).

Moreover, Applicant does not understand the Examiner's position with regards to independent claims 13, 14, 15, 16, 17, 18, 19, and 21. The Examiner is respectfully requested to clarify his position with regard to these claims.
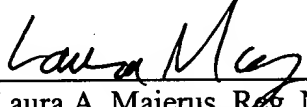
Applicant requests reconsideration of the basis for the rejections to these claims and requests allowance of them.

In addition, Applicant respectfully invites the Examiner to contact Applicant's representative at the number provided below if the Examiner believes it will help expedite furtherance of this application.

Respectfully Submitted,
PHILIPP W. KUTTER

Date: Dec 19, 2005 _____   By: _____

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